

**AIR POLLUTION CONTROL DISTRICT HEARING BOARD
FACTS TO SUPPORT FINDINGS NECESSARY TO GRANT
90-DAY OR REGULAR VARIANCE
(Attach additional pages, if needed)**

PETITION NUMBER _____ PETITIONER: _____

- A. The Petitioner is or will be in violation of District Rule(s): _____
- B. That, due to conditions beyond the reasonable control of the Petitioner, requiring compliance would result in either (1) an arbitrary or unreasonable taking of property, or (2) the practical closing of a lawful business. In making those findings where the petitioner is a public agency, the hearing board shall consider whether or not requiring immediate compliance would impose an unreasonable burden upon an essential public service. For purposes of this paragraph, "essential public service" means a prison, detention facility, police or fire fighting facility, school, health care facility, landfill gas control or processing facility, sewage treatment works, or water delivery operation, if owned and operated by a public agency. **Present factual testimony or evidence that shows why the need for a variance is beyond your reasonable control and the impact denial of a variance would have on your business or agency.**
- _____
- _____
- C. That such closing or taking would be without a corresponding benefit in reducing air contaminants: **Present factual testimony or evidence to compare the reduction in air contaminants if you were not given a variance to the business impact discussed above in (b).**
- _____
- _____
- D. That the Petitioner for the Variance has given consideration to curtailing operations of the source in lieu of obtaining a Variance: **Present factual testimony or evidence which shows the efforts you have made to achieve compliance instead of requesting this variance.**
- _____
- _____
- E. During the period the Variance is in effect, that the Petitioner will reduce excess emissions to the maximum extent feasible: **Present factual testimony or evidence which shows how you will reduce emissions to the maximum extent possible if granted a variance.**
- _____
- _____
- F. During the period the Variance is in effect, that the Petitioner will monitor or otherwise quantify emission levels from the source, if requested to do so by the District, and report these emission levels to the District pursuant to a schedule established by the District: **Present factual testimony or evidence which shows that the source under variance will not likely create a nuisance violation or continued operation is not likely to create an immediate threat or hazard to public health or safety and that you keep records, logs, schedules that quantify emissions.**
- _____
- _____

I declare, under penalty of perjury under the laws of the State of California, that the above facts are true and correct.

Executed on _____, 200_____

Petitioner Signature

Petitioner Name (Print)